

10/28/2013 02:02:44 PM
Recording Fee \$34.00 Page 1 of 3
Agreement SPOKANE, REGIONAL HEALTH DISTRICT
Spokane County Washington

6260227

RETURN NAME and ADDRESS

SRHD Env. Pub. Health
1101 W College
Spokane

Please Type or Print Neatly and Clearly All Information

Document Title(s)

Agreement 14418 W Charles Todd

Reference Number(s) of Related Documents

Grantor(s) (Last Name, First Name, Middle Initial)

Spokane Regional Health District

Grantee(s) (Last Name, First Name, Middle Initial)

Hanna, Mark & Jennifer

Legal Description (Abbreviated form is acceptable, i.e. Section/Township/Range/Quarter Section or Lot/Block/Subdivision)

Assessor's Tax Parcel ID Number

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy and completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

0049

Exhibit "F"

When Recorded Return To:

Michelle K. Fossum, P.S.
528 E. Spokane Falls Blvd., Suite 502
Spokane, WA 99202

AGREEMENT

This Agreement is entered into between Mark and Jennifer Hanna [collectively referred to as "Hanna"] and Spokane Regional Health District ["SRHD"].

I. RECITALS

1.1 On June 6, 2002, Hanna submitted Application For On-Site Sewage System No. 02-4270 to SRHD. Hanna sought to install a septic tank and drain field on property located at 14418 W. Charles Road in Nine Mile Falls, Washington [the "Subject Property"].

1.2 The proposed septic tank and drain field drawing submitted to SRHD indicated there was a 20 foot easement running along the southern side of the Subject Property. Based on SRHD's review of the design plan submitted, SRHD issued Permit No. 02-4270 on January 10, 2003.

1.3 On or about March 11, 2003, Hanna submitted an As-Built drawing for the septic tank and drain field for Permit No. 02-4270. The As-Built drawing also reflects that there is a 20 foot easement running along the southern side of the Subject Property.

1.4 In July 2013, SRHD was made aware that instead of a 20 foot easement, the Subject Property was subject to a 40 foot easement along the southern side of the property. The existing drain field is partially within the 40 foot easement.

1.5 Spokane County Short Plat 1227-00 identifies the 40 foot easement as being for ingress, egress and utilities, and provides the corresponding legal description.

1.6 SRHD has also been made aware that there may be other easements located on the Subject Property. The existence and location of those other easements is currently being litigated in the matter of *Mark and Jennifer Hanna v. Allan and Gina Margitan*, Spokane County Superior Court Cause No. 12-2-04043-6.

1.7 WAC 242-272A-0210 mandates that a drain field be set back at least five feet from any easement line.

1.8 SRHD has notified Hanna that the location of the drain field on the Subject Property may constitute a nonconforming on-site sewage system.

0050

1.9 There is currently no imminent public health risk presented by existence of the drain field within an easement.

II. TERMS

Based on the above, the parties agree as follows:

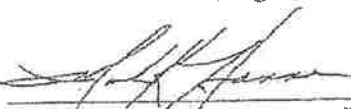
2.1 Within thirty (30) days of the conclusion of the litigation regarding the existence and location of the easements on the Subject Property, Hanna shall submit an Application to SRHD to relocate the septic system or otherwise bring the on-site sewage system into compliance with the rules and regulations existing at the time of application.

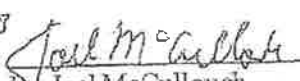
2.2 Within sixty (60) days of SRHD's approval of the Application for a Permit described in paragraph 2.1 above, Hanna will complete the installation of a conforming system.

2.3 It is further agreed that if at any time it appears to SRHD that there is a public health risk resulting from the nonconforming on-site sewage system, SRHD may require immediate corrective action from Hanna notwithstanding the terms of this Agreement.

2.4 It is acknowledged by the parties that the basis for this Agreement is the current uncertainty regarding the existence and location of all easements on the Subject Property making it impossible to determine whether relocation of the drain field will comply with setback and other legal requirements until the Court has made a determination on that existence and location of all Easements impacting the Subject Property.

2.5 This Agreement shall be recorded with and made of record in Spokane County.

 10/17/13
Mark K. Hanna Date

 10/18/13
Dr. Joel McCullough Date
Health Officer, Spokane Regional
Health District

 10/17/13
Jennifer Hanna Date

0051